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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

| | | |
|----------------------------------|---|--|
| SHELBY MARIE GERST, |) | Case No.: 2:24-cv-00216-KJN |
| Plaintiff, |) | |
| vs. |) | STIPULATION TO VOLUNTARY |
| |) | REMAND PURSUANT TO SENTENCE |
| MARTIN O'MALLEY, |) | FOUR OF 42 U.S.C. § 405(g) AND TO |
| Commissioner of Social Security, |) | ENTRY OF JUDGMENT; ORDER |
| Defendant. |) | |

IT IS STIPULATED by and between Plaintiff ("Plaintiff") and Defendant Martin O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

Upon remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record and offer Plaintiff an opportunity for a new hearing. If appropriate under HALLEX I-2-1-55(D)(2), this matter will be assigned to a different ALJ on remand. The parties further request that the

STIPULATION TO REMAND

1 Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against
2 Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
4 Social Security Act, 42 U.S.C. 405(g).

5 Dated: March 15, 2024

Respectfully submitted,

6 /s/ Francesco P. Benavides*

7 (*as authorized via e-mail on Mar. 15, 2024)

8 FRANCESCO P. BENAVIDES

Attorney for Plaintiff

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10 United States Attorney

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11 Associate General Counsel

12 Social Security Administration

13 By: /s/ Christopher Vieira

14 CHRISTOPHER VIEIRA

Special Assistant United States Attorney

15 Attorneys for Defendant

16 **ORDER**

17 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
18 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,
19 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social
20 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social
21 Security Act, 42 U.S.C. 405(g).

22 Dated: March 18, 2024

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24 CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

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